

(PCT Article 36 and Rule 70)

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/009108

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-24 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 5-18 as originally filed/furnished
- nos.* 1-4 as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/4-4/4 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	3-13	YES
	Claims	1, 2, 14	NO
Inventive step (IS)	Claims		YES
	Claims	1-14	NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
1	This report makes reference to the following documents:		
	D1: US 2003/095546 A1 (SAKANO TSUNEYUKI ET AL) 22 May 2003 (2003-05-22)		
	D2: US 6 144 671 A (FRANK ALAN S ET AL) 7 November 2000 (2000-11-07)		
2	The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 lacks novelty (PCT Article 33(2)).		
2.1	Document D1 discloses (the references between parentheses refer to that document):		
	a method for establishing a communications link between two clients ('10A' and '10C') from a plurality of clients ('10A', '10B', '10C', '10D') in a direct communication network (see "transmitting and receiving data to and from one or more IP telephone terminals on a peer-to-peer connection over an IP network", paragraph [13]),		

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	<p>wherein, in order to establish the communications link, signalling information comprising client address information is exchanged between clients taking part in the communications link (see "searching connection", paragraph [41]) and the communications link is established directly between the clients taking part in the communications link using the client address information (see "The speech connection ... is thus established", paragraph [44], characterised by the following method steps which are carried out one after the other:</p> <ul style="list-style-type: none">a) client address information required for establishing paired communications links between the clients is stored in a distributed manner in the plurality of clients (see "IP address storage '28'" and "destination data storage '30'", fig. 2 and paragraph [32]),b) a searching client sends a broadcast request message aimed at establishing at least one communications link between a calling client and at least one sought client (see "The calling terminal will therefore make access to all the IP telephone terminals ... to interrogate each of them ...", paragraph [41]),c) each client receiving the broadcast request message sends a response message containing the client address information required for the at least one communications link, provided that the functionality of the client allows it to send such a response message

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	<p>(see "... in response to the result from the coincidence of the telephone number ..." and "... transmit their own IP address ...", paragraph [48]), and</p> <p>d) the client address information is used to establish the communications link between the calling client and the at least one sought client (see paragraph [44]),</p> <p>the broadcast request being sent in the form of a "broadcast message" or "multicast message" to several or all of the clients of the direct communication network (see "... the calling terminal assembles an IP packet to include the telephone number ... to transmit the latter to the terminals 10B, 10C and 10D ...", paragraph [43]).</p> <p>2.2 Regarding the applicant's argument which is contained in the explanation of the amended version of the claims submitted under PCT Article 19, it is pointed out that the wording of claim 1 does not indicate that no specific IP addresses are included for addressing the request message. On the contrary, the wording that "the broadcast message is sent ... to <u>several or all of the clients of the direct communication network</u>" points to the fact that in the case described in claim 1 communication relations already exist between the clients, and the option whereby the message is sent to <u>several</u> rather than to <u>all clients</u> covers any addressing of that selection.</p> <p>It is therefore not the case that a searching</p>

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	<p>client in the current application is not already part of an already functioning communications environment, as described by the applicant.</p> <p>2.3 It should also be noted that even if there are minor differences between the features of claim 1 and those of document D1, the subject matter of claim 1 does not involve an inventive step (PCT Article 33(3)) in relation to the disclosure of document D1.</p> <p>2.4 Dependent claims 2-16 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step, since the features of those claims are either known from the aforementioned document D1</p> <p>(e.g. sending of a response message upon receipt of the broadcast, the searching client is also the calling client, access to the address database),</p> <p>from document D2</p> <p>(e.g. the storing of address information of a "Call Redirector" (fig. 2), response message from the call forwarding target client (fig. 11), the client address information describes the client associated with a call pickup ("Hunt group Helpdesk", columns 17 and 18), the communications link is established with the fastest client or with the first client to respond (fig. 11), a specific sequence ("automatic call</p>

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	<p>distribution logic", column 18), simultaneous signalling to the clients (fig. 11))</p> <p>or represent common measures in the art</p> <p>(e.g. the broadcast request message is sent specifically to the clients of the call pickup group, the clients are in a free operating state during the signalling period).</p>

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Box No. VII **Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

- 1 The claims are not provided with reference signs placed between parentheses (PCT Rule 6.2(b)).

- 2 Contrary to PCT Rule 5.1(a)(ii), the description does not cite documents D1 and D2 or indicate the relevant prior art disclosed therein and does not describe the invention as claimed.